

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION

KELLERY LIDDELL

PLAINTIFF

v.

NO. 2:08CV059-A-A

JERRY ELLINGINTON, et al.

DEFENDANTS

**ORDER OVERRULING OBJECTIONS and ADOPTING  
REPORT AND RECOMMENDATION**

The Plaintiff, an inmate proceeding pro se, filed this complaint pursuant to 42 U.S.C. § 1983. The Plaintiff's complaint included claims for false arrest and excessive use of force, for which the Plaintiff is seeking monetary damages and equitable relief. The Plaintiff was afforded an opportunity to clarify and specifically state his claims at a *Spears* hearing. Following the hearing, the Magistrate Judge submitted a report recommending the dismissal of the complaint as barred by the applicable statute of limitations. The Plaintiff has filed objections to the report and recommendation.

The court finds that for reasons stated in the Report and Recommendation dated November 16, 2009, the Plaintiff's objections are not well taken.

**THEREFORE**, it is hereby **ORDERED** that

(1) the Plaintiff's objections to the Report and Recommendation of the United States Magistrate Judge are **OVERRULED**;

(2) the Report and Recommendation (docket entry 10) is **APPROVED** and **ADOPTED** as the opinion of this court;

(3) the complaint is **DISMISSED** with prejudice; and

(4) and this matter is **CLOSED**.

SO ORDERED, this the 7th day of December, 2009.

/s/ Sharion Aycock  
U.S. DISTRICT JUDGE